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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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DENNIS FLOKER,
9 Plaintiff,
10 v.
11 WILLIAM PECK, et al.,
12 Defendants.

NO. CV-05-5039-EFS

13 **ORDER GRANTING IN PART AND
DENYING AS MOOT IN PART
PLAINTIFF'S MOTION TO DISMISS
47, 58, 67, 35, 28, AND 43
MOTIONS THAT ARE PENDING AND
DENYING PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT**

14 BEFORE THE COURT, without oral argument, are several motions filed
15 by Plaintiff Dennis Floker. Mr. Floker is proceeding in this matter *pro
se*. While all Defendants are represented by Assistant Washington State
16 Attorney General Stephanie Weigand. After reviewing all materials
17 related to Plaintiff's motions and requests, the Court is fully informed
18 and makes the following rulings:

19 **I. Motion to Dismiss 47, 58, 67, 35, 28, AND 43 Motions that are Pending**

20 On November 23, 2005, Plaintiff moved the Court to dismiss several
21 previously filed motions relating to Defendant Cheryl Johnson. (Ct. Rec.
22 86.) However, prior to the Court receiving a copy of Defendant's motion,
23 several of Plaintiff's motions related to Ms. Johnson were ruled on (Ct.
24 Rec. 83). Thus, Defendant's instant motion is denied as moot in part
25 with regards to those motions already ruled on. Yet, because Plaintiff's

1 Motion for Entry of Default as to Cheryl Johnson (Ct. Rec. 67) has not
2 been ruled on, the Court grants Plaintiff's instant motion to the extent
3 it requests the motion filed as Court Record 67 be stricken.

4 **II. Plaintiff's Request for Entry of Default Against Sherry Hartford**

5 On September 22, 2005, Plaintiff requested the Court to enter
6 default against Defendant Sherry Hartford "for failure to answer or
7 otherwise responde (sic) as provided by the Fed. R. Civ. P." (Ct. Rec.
8 75.) Because Mr. Hartford filed a formal answer to Plaintiff's Amended
9 Complaint on August 29, 2005, (Ct. Rec. 26), the Court denies Defendant's
10 motion.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Plaintiff's Motion to Dismiss 47, 58, 67, 35, 28, and 43 Motions
13 That Are Pending (**Ct. Rec. 86**) is **GRANTED IN PART** (striking Ct. Rec. 67)
14 and **DENIED AS MOOT IN PART** (Ct. Recs. 28, 35, 43, 47, and 58);

15 2. Plaintiff's Request for Entry of Default Against Cheryl Johnson
(Ct. Rec. 67) is **STRICKEN**;

16 3. Plaintiff's Request for Entry of Default Against Sherry Hartford
(Ct. Rec. 75) is **DENIED**.

17 **IT IS SO ORDERED.** The District Court Executive is directed to enter
18 this order, provide a copy to defense counsel and to Plaintiff.

19 21 **DATED** this 2nd day of December, 2005.

22 _____
23 S/ Edward F. Shea
EDWARD F. SHEA
24 United States District Judge

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